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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,530	06/29/2001	Craig Weldon	051481-5009	3012

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EXAMINER

STEVENS, MAURICE E

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,530

Applicant(s)

WELDON, CRAIG

Examiner

Maurice Stevens

Art Unit

2855

Am

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-18 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3, line 1 states "The diagnostic apparatus according to claim 3", this claim is rejected because a claim cannot depend on itself, this is an improper dependency.

Claim Objections

Claim 4 is objected to because it is unclear how a pressure gauge that measures a range pressure between one inch of water above ambient pressure and two inches of water below ambient pressure relates to claim 3 and claim 1 from which it depends.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-2, are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (5327934).

in regards to claim 1, Thompson discloses a pressure source (an internal combustion engine), a first fitting adapted to be occluded by the removable cap, the first fitting being in fluid communication with the pressure source (fig 1, {where line 18, coming from the gas cap {14} meets the valve 16), a second fitting adapted to sealingly engage the filler, the second fitting being in fluid communication with the pressure

source and with the first fitting (fig 1, where the line 22, coming from the canister {24} connects with the valve {16}), and orifice being in fluid communication with the pressure source, with the first fitting, and with a second fitting (fig 2 {38}), a first valve controlling the fluid communication with the orifice fig. 1, {16}.

in regards to claim 2, Thompson discloses a diagnostic apparatus according to claim 1, further comprising a pressure gauge in fluid communication with the pressure source (fig1, {32}).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson as applied to claims 1-2 above, and further in view of Cook et al.

In regards to claim 3, Thompson lacks a pressure gauge that measures the range of pressures that exceeds an operational range of the integral pressure management apparatus. However, Cook et al. disclose wherein the pressure gauge measures the range of pressures that exceeds an operational range of the integrated pressure management apparatus (fig 2 + col 1, lines 65-68 and col 2, lines 1-4). It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Thompson according to the teachings of Cook et al. for the purpose of using a

blower as a pressure source to push fuel through the system causing a pressure to better detect if the fuel vapor system contains a leaks or not.

In regards to claim 4, Cook et al. disclose wherein the pressure gauge measures a range of pressures between 1 in. of water above ambient pressure and 2 in. of water below ambient pressure (fig 2).

In regards to claim 5, Cook et al. disclose further comprising a second valve controlling the fluid communication with the second fitting (figure 1, {54 valve 1} and {12 valve 2}).

In regards to claim 6, Cook does not implicitly recite or disclose that in the first fitting comprises a first one of a male member and a female member, the second fitting comprises a second one of the male and female member's, and the male and female member's are sized for mating engagement with respect to one another, however lacking any criticality it would have been obvious to use this pipe to pipe connection/engagement because the valves were connected and this female and male engagement is common and known in the art.

In regards to claim 7, Cook et al. disclose wherein the pressure source comprises one of a manually operated pump and a electromechanical pump (fig. 1, {24 blower} and all vehicle's fuel systems have fuel pumps [electromechanical pump]).

Allowable Subject Matter


Claims 8-18 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurice Stevens whose telephone number is (571) 272-2188. The examiner can normally be reached on M-F, 6:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS/2855
3-19-04


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